

Chan, Janice

From: Cheri Dale - AQDX
Sent: Tuesday, January 26, 2016 2:01 PM
To: Shannon Klimek - AQDX
Cc: Hether Krause - AQDX; Johanna Kuspert - AQDX; Kimberly Butler - AQDX; Albert Leo - AQDX; Bryan Mandalfino - AQDX
Subject: FW: Protocol and Clarification Requested FW: Clarification for Rule 353 Subsection 305.1 requested

Follow Up Flag: Follow up
Flag Status: Flagged

Shannon,

In order to maintain consistency within the department, the rule writers have been directed to follow the chain of command protocol so everyone is on the same page when rule clarifications are requested. Hether is going to meet with Kim to discuss department protocol on this type of inquiry.

Your question is very good and is important for me to address during the rule revisions. The immediate answer to your question needs to be vetted through your supervisor and the compliance protocol the disseminated to the department staff (or at least us rule writers so we can make clarifications where needed during the rulemaking process.)

Thanks for continuing to pursue clarity in the rules. Your assistance is appreciated.

Cheri

From: Shannon Klimek - AQDX
Sent: Friday, January 08, 2016 1:13 PM
To: Cheri Dale - AQDX
Cc: Bryan Mandalfino - AQDX
Subject: Clarification for Rule 353 Subsection 305.1 requested
Importance: High

Cheri,

Clarification for Rule 353 Subsection 305.1 requested.

I have open inspection for 353 source which is on a poultry farm and consists of the following:

- 500 gallon gasoline AST
- Threaded and domed solid metal fill pipe cap, no gasket. ([see linked photo](#))
- [Double outlet vent](#) on vent pipe, no p.v. valve installed. ([Photo of tank failed to capture, poor photo composition...it was on tip of vent pipe.](#))
- Unknown manufacture date....not delineated in any prior permit applications, permit mod applications, TSD's, et al.
(request for data pending.)

QUESTIONS:

- 1) Is the following **analysis** correct?
 - Rule 353 Section 305.1 provides farm exemption for
 - Use with farm implements *exclusively* (emphasis mine) during normal farm operations.
 - Except for... (please let me know if I interpreted this correctly)
 - ...cap, i.e. [Rule 353 Subsection 302.2a., b., c.(1), c.(2), c.(3), and d.)]
 - ...spills, i.e. [Rule 353 Subsection 301.2b.]
 - ...and liquid leak provisions in Section 301. [Section 301; Subsection 301.2a.]
- 2) Is the presence of a vent and absence of a valve sufficient evidence of a violation of Section 301.1b.?
- 3) What is a “farm implement”I only ask because subsection 305.1 modified the term with, “exclusively”, a modifying term which I infer as a significant limitation.

Sincerely,

Shannon Klimek
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